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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,633	02/08/2000	Young-Soon Cho	0630-0981P	1525
7590		04/05/2007	EXAMINER	
Birch Stewart kolasch & Birch LLP			BAYAT, BRADLEY B	
P O Box 747			ART UNIT	PAPER NUMBER
Falls Church, VA 22040-0747			3621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/499,633	CHO ET AL.	
	Examiner Bradley B. Bayat	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 December 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 45-78 is/are pending in the application.  
 4a) Of the above claim(s) 56-78 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 and 45-51 is/are rejected.  
 7) Claim(s) 52-55 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 9/20/06.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Status of Claims**

The instant application has been transferred from the previous examiner to Primary Bayat. Claims 1-3 and 45-78 remain pending. Claims 56-78 were withdrawn resulting from a restriction requirement. After reviewing the prosecution history, the Examiner has noticed that Applicant's election of Group I in the reply filed on June 7, 2006 did not distinctly and specifically point out the supposed errors in the restriction requirement; thus the election has been treated as an election without traverse (MPEP § 818.03(a)).

### **Allowable Subject Matter**

1. Claims 52-55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneck et al, (US 5,933,498), in view of ISHIGURO (EP 874300 A2) and further in view of the applicant's own admissions.

**Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all reference passages as potentially teaching all or part of the claimed inventions.

**Claims 1 and 47:**

Schneck, in at least Fig 8; Col 15, lines 19-38; Figs 9-12; Col 14, lines 32-50 discloses the following limitations:

- *a data storage medium for storing the digital data file transferred from a source device, the digital data file having been encrypted by:*
  - 1) *generating a key data using at least a unique ID of the digital data playing device or a unique ID number of the storage medium or both;*
  - 3) *encrypting within the source device the digital data file using said key data ;*

Schneck does not disclose:

- *2) transmitting said key data from the digital data playing device to a unit of the source device through a network; and*
- *a decoding unit configured to decrypt the digital data file read from the data storage medium using said key data;*

However, Ishiguro discloses a playing device (DVD player) that generates and transmits a key to a source device (computer) that decodes the encrypted content using the key. See at least the abstract as well as other relevant text. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Schneck's system for controlling access and distribution of digital property by including Ishiguro's step of generating the key within the player and subsequently decoding the content because, "...it is necessary to verify that the destination apparatus is a valid apparatus in a transfer of information..." (Ishiguro: page 2, lines 21+).

**Claims 2 and 48:**

Schneck, as shown above, teaches that effective protection of the data may be accomplished by encrypting the data and rules governing its access using one or more encryption keys, each generated by using unique IDs associated with the product distributed, its storage medium, player device, end user, product publisher, and/or any combination of these numbers. In addition, Schneck, in at least Figure 7 and associated text discloses basing an encryption key on a serial number, essentially disclosing basing the encryption key on manufacturer data or combinations thereof.

**Claims 3 and 49:**

As the references cited above show, Schneck discloses that encryption keys used in his system may be derived using many different, well known encryption algorithms. Using additional arbitrary values in such encryption algorithms (i.e. semi-random or random numbers) is well known within the art. Therefore, it would have been obvious to one ordinarily skilled in the art at the time the invention was made that a system could have been set up with the encryption key further including an arbitrarily set value, for the purpose of making the transmitted encrypted data harder to crack thus better protected.

4. Claims 45, 46, 50, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneck/Ishiguro and further in view of Menezes et al. "Handbook of Applied Cryptography" © 1997.

**Claims 45, 46, 50, and 51:**

The combination of Schneck/Ishiguro disclose the encryption and file transfer method as shown above. Schneck/Ishiguro do not disclose:

- *the digital data playing device is a device of an end user;*
- *the said digital data playing device generates said key data;*

However, Examiner takes **Official Notice** that it is old and well known in the computer networking arts that MP3 devices are used by recreationally by end users, and that generation of encryption keys is accomplished by any computing device programmed for such endeavors.

***Response to Arguments***

5. Applicant's arguments filed on 12/14/2006 have been fully considered but they are not persuasive.
6. Applicant argues that the Office Action did not indicate each equivalent feature as per the drawing or the cited portions of Schneck (response pp. 2-3). Applicant is directed to column 12, line 42 for the key generation/transmission step. The encryption/decryption mechanism is further disclosed via the authoring and rule mechanism columns 13-14. With reference to Figs. 8 and 9, communications on the insecure channels 174 and 176 and on bus 177 is encrypted by the access mechanism 114 (and by the authoring mechanism 112), and the controlled output devices 178 and 180 must have suitable processing capabilities within them (including an access mechanism 114) to decrypt and process data which they receive. The display or output devices used will depend on the application and the type of data, and include, but are not limited to, printers, video display monitors, audio output devices, and the like.
7. Schneck disclose This invention employs a combination of physical self-protection measures coupled with means for detecting that the self-protection has been circumvented or that an attempt to circumvent the self-protection measures is being or has been made. When such intrusion is detected, passive or active mechanisms can be employed to destroy data. For example, the following can occur (not necessarily in the order stated, and usually in parallel): the access mechanism 114 is made inoperative, all cryptographic keys within the

mechanism, the private key and any other keys and data are destroyed (zeroized), and power may be applied to clear non-volatile memory 160 and then is removed, resulting in loss of all data stored in volatile memory 158 so as to deny access to decryption keys as well as to any cleartext in those memories. As noted above, several operations can be accommodated or performed simultaneously when tampering is detected.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley B. Bayat whose telephone number is 571-272-6704. The examiner can normally be reached on Tuesday-Friday 8 a.m.-6:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bradley B. Bayat  
Primary Examiner  
Art Unit 3621